

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

DELOIS PIPPEN, as Special Administratrix  
of the Estate of Lucille G. Billings, deceased,  
and on behalf of the wrongful death beneficiaries  
of Lucille G. Billings; and On Behalf of All Others  
Similarly Situated

PLAINTIFFS

vs.

Case No. 1:16-cv-01069-SOH

PINEWOOD HEALTH AND REHABILITATION, LLC;  
ARKANSAS SNF OPERATIONS ACQUISITION, LLC;  
ARKANSAS NURSING HOME ACQUISITION, LLC;  
CSCV HOLDINGS, LLC; CAPITAL FUNDING GROUP, INC.;  
SLC PROFESSIONALS, LLC; SLC PROFESSIONALS AR7, LLC;  
SLC PROFESSIONALS HOLDINGS, LLC; SLC OPERATIONS  
HOLDINGS, LLC; SLC OPERATIONS, LLC; SLC  
ADMINISTRATIVE SERVICES OF ARKANSAS, LLC;  
SENIOR LIVING COMMUNITIES OF ARKANSAS, LLC;  
ADDIT, LLC; SLC OPERATIONS MASTER TENANT, LLC;  
SLC PROPERTIES, LLC; 1101 WATERWELL ROAD, LLC;  
CSCV ARKANSAS REALTY, LLC; ALAN ZUCCARI;  
BRIAN REYNOLDS; JOHN W. DWYER; DANIEL BAIRD;  
TROY MORRIS, in his capacity as Administrator of Pinewood  
Health and Rehabilitation, LLC; EMILY GREENE, in her  
capacity as Administrator of Pinewood Health and Rehabilitation, LLC;  
CAROL HOELSCHER, in her capacity as Administrator of Pinewood  
Health and Rehabilitation, LLC; and BARNEY L. PIERCE, in his  
capacity as Administrator of Pinewood Health and Rehabilitation, LLC

DEFENDANTS

**MOTION TO STAY DISCOVERY**

Defendants, by and through their counsel, Kutak Rock LLP, for their motion to stay  
discovery, state:

1. This action commenced on February 3, 2016, when the Plaintiff filed her Class  
Action Complaint in the Circuit Court of Ashley County, Arkansas.

2. On June 23, 2016, the Plaintiff served upon the Defendants separate sets of written discovery titled “First Set of Interrogatories and Requests for Production of Documents.”

3. On July 15, 2016, Separate Defendants Troy Morris and Alan Zucarri filed their Notice of Removal of this action from the Circuit Court of Ashley County, Arkansas to the United States District Court for the Western District of Arkansas under 28 U.S.C. §§ 1332(d), 1441, 1446, and 1453.

4. The Federal Rules of Civil Procedure apply to all civil actions removed from state court. Fed.R.Civ.P. 81(c)(1). The Rules do not allow either party to seek discovery, with the exception of initial disclosures, until a Rule 26(f) conference has taken place. Fed.R.Civ.P. 26(d)(1).

5. Upon removal to this Court, the Plaintiff’s written discovery is premature under the Federal Rules of Civil Procedure.

WHEREFORE, Defendants respectfully request that the Court enter an Order staying Defendants’ obligation to respond to Plaintiff’s pre-removal written discovery until a Rule 26(f) conference has taken place, and for all other relief this Court deems just and proper.

**KUTAK ROCK LLP**

By: /s/ John Trice

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*Attorneys for Troy Morris and all other  
Defendants*

CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to the following:

- Matthew David Swindle [matthew@reddickmoss.com](mailto:matthew@reddickmoss.com), [deshae@reddickmoss.com](mailto:deshae@reddickmoss.com)

I hereby certify that on July 20, 2016, I mailed the foregoing document by first-class U.S. Mail, postage prepaid to the following non CM/ECF participants:

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/s/ John G. Trice